

# **WISHA REGIONAL DIRECTIVE**

**Department of Labor and Industries**

**Division of Occupational Safety and Health**

## **33.20 Rollover Protective Structures (ROPS) and Low-Profile Tractors**

**Date Issued: March 30, 2006**

### **I. Background**

Chapter 296-307, Part F WAC contains specific requirements related to rollover protective structure (ROPS) used in the agricultural industry. WAC 296-307-08015 (1) exempts "low-profile" tractors "while they are used in orchards, vineyards or hop yards where the vertical clearance requirements would substantially interfere with normal operations..." and for work related to these uses. WAC 296-307-08015 (2) includes a similar exemption for use inside farm buildings or greenhouses but does not include the exemption for related uses. The "related uses" phrase contained in the requirement has led to inconsistent application of the rule by DOSH enforcement and consultation staff and thereby created confusion in the industry regarding the exemption for ROPS on low-profile tractors.

A low-profile tractor is a wheel or track-equipped vehicle where the front wheel spacing is equal to the rear wheel spacing, as measured between the centerlines of the wheels; the clearance from the bottom of the tractor chassis to the ground is eighteen inches or less; the highest point of the hood is sixty inches or less; and the tractor is designed so that the operator straddles the transmission when seated.

### **II. Scope and application**

This WISHA Regional Directive will remain in effect indefinitely. It provides guidance to DOSH enforcement and consultation staff regarding the requirements for ROPS on low-profile tractors in the agriculture industry. It replaces any previous guidance on the topic whether formal or informal.

### **III. Interpretive Guidance**

Employers must ensure that an agricultural tractor that is operated by an employee is fitted with a ROPS and a seatbelt unless it is a low-profile tractor and its use is related to one of the exemptions in the rule.

In the application of WAC 296-307-080, DOSH consultation and enforcement staff must apply the exemptions for ROPS on low-profile tractors only if there are vertical clearance obstructions that would substantially interfere with normal operations in an orchard, vineyard, or hop yard and work related to or connected to the orchard, vineyard or hop yard that has the substantial clearance problem. In other words, low-profile tractors are exempt from the ROPS requirements provided the work activity is related to an exempted use. This remains true regardless of the frequency of the use in question.

WAC 296-307-08015(2) does not contain the same allowance for related uses in farm buildings or greenhouses, as does 296-307-08015(1) for orchards, vineyards or hop yards. DOSH enforcement and consultation staff must consider it a *de minimis* violation and not issue a citation if an employer is performing related- use work while a low-profile tractor is being used in a farm building or greenhouse where vertical clearance would substantially interfere with normal operations.

Low profile tractors are also exempt while being used with mounted equipment that is incompatible with ROPS (for example, corn pickers, vegetable pickers and fruit harvesters).

For all tractors manufactured before October 25, 1976, if the tractor was designed to accommodate the addition of ROPS, ROPS must be installed on the tractor, unless the manufacturer of the tractor provides the employer with proof that the tractor was not designed to be fitted with ROPS. However, if the employer decides that it is not practicable to fit a ROPS to the tractor because it is cost prohibitive, only the owner may operate the tractor, unless the tractor is used in an exempt category, then an employee may operate the tractor.

All tractors manufactured after October 25, 1976, must be fitted with ROPS, unless the tractor is operated in an exempt category.

A homemade frame while being strong enough to withstand the roll-over may break the mounting bolts on the tractor, or fail in some other way, and not protect the operator. Only approved ROPS must be fitted to tractors.

Tractors used in horticulture, aquaculture, etc., are covered by Chapter 307, Safety Standards for Agriculture. Every tractor must have a ROPS fitted unless it is used in an exempt category.

Low-profile tractors are exempt from these requirements when a special wheel spacing is necessary to work in certain crops, but the special wheel setting need must truly exist. If inspected by the department, the employer must prove that the special wheel spacing is required to do the work. When the wheel spacing is no longer a problem, the ROPS must be reinstalled.

**The following are examples of the proper application of the exemptions:**

1. An employee is using a low-profile tractor in an orchard, vineyard or hops yard, where ROPS would substantially interfere with normal operations, but must occasionally leave the orchard, vineyard or hop yard to fuel up the tractor, load up the sprayer, go home, etc. These uses can legitimately be considered "related to" or connected to the work in the field where the exemption applies. However, if he or she were to take the same tractor and sprayer to a different orchard or hops field without the overhead clearance problem, the exemption would **NOT** apply.
2. When a dairy farmer's employees use a low-profile tractor inside a building where the ROPS would substantially interfere with normal operations, the exemption would apply. If the farmer's employees leave the building occasionally to fuel up, load the bucket with shavings, eat lunch, go home, etc., these uses can legitimately be considered "related to" the work in the building where the exemption applies.

**IV. Special Compliance Protocols**

DOSH has agreed with the agriculture industry that enforcement actions related to ROPS on low-profile tractors will be delayed for 90 days from the effective date of this WRD. The delay in enforcement is to provide an opportunity to educate growers on the requirements and allow time for growers to fit their low-profile tractors with ROPS.

Approved: \_\_\_\_\_  
Stephen M. Cant, CIH, Assistant Director  
Department of Labor and Industries  
Division of Occupational Safety and Health